

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD**

**JANET GRAHAM, Administratrix of
the Estate of Edna Marie McNeely,**

**Plaintiff,
v.
SUNIL KUMAR DHAR, M.D.,
et al.,**

Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the court is a petition to settle the wrongful death claim against all defendants. In that petition, the parties seek court approval of a settlement reached between plaintiff and defendants. The petition lists a number of potential beneficiaries of the decedent. There is nothing in the record to indicate whether those beneficiaries consent to the amount of the proposed settlement, only that they have not yet reached agreement as to the distribution of any settlement proceeds. In order for the court to approve the proposed settlement, the court wishes to ascertain whether the proposed beneficiaries have any objection to the settlement amount. See Stone v. CSX Transp., Inc., 10 F. Supp. 2d 602, 604 (S.D.W. Va. 1998) ("[A] wrongful death action exists for the benefit of a decedent's beneficiaries. It is not a claim that belongs to the decedent's estate."). Therefore, the parties are directed to

either submit something in writing to indicate whether the potential beneficiaries object to the proposed settlement amount or seek a hearing date where the court may make this inquiry.

The Clerk is directed to send a copy of this Order to counsel of record and unrepresented parties.

It is **SO ORDERED** this 18th day of July, 2023.

ENTER:

David A. Faber
David A. Faber
Senior United States District Judge